

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| <b>UNITED STATES OF AMERICA</b> | ) | Criminal No. 8:15-CR-228 (GLS) |
|                                 | ) |                                |
| <b>v.</b>                       | ) | <b>STIPULATION AND ORDER</b>   |
|                                 | ) | <b>FOR CONTINUANCE</b>         |
| <b>OLIVER LEPINSKY,</b>         | ) |                                |
|                                 | ) |                                |
|                                 | ) |                                |
| <b>Defendant.</b>               | ) |                                |

Craig S. Nolan, Esq., the attorney for OLIVER LEPINSKY having moved for a continuance of 60 days within which the parties may complete discovery, file motions and prepare for trial in the above-captioned action and Grant C. Jaquith, United States Attorney for the Northern District of New York Katherine Kopita, Assistant U.S. Attorney, appearing, having consented to the continuance and proposed the exclusion of the additional 60 day period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

- 1) The prior proceedings in this case occurred as follows:
  - a) Date of initial appearance or arraignment: January 18, 2018
  - b) Date of indictment: August 12, 2015
  - c) Defendant custody status: Remanded
    - i) Date United States moved for detention: January 18, 2018
    - ii) Date of detention hearing: January 23, 2018
    - iii) Date detention decision issued: January 23, 2018
- 2) The Court has not previously ordered any exclusions under the Speedy Trial Act.
- 3) OLIVER LEPINSKY has requested the continuance based on the following facts and circumstances: The defendant is charged with conspiracy to commit mail fraud. The charges stem from a large-scale scheme to defraud churches, businesses, and schools. On February 9,

2018, the undersigned attorney entered a notice of appearance. The government is providing the defendant with discovery, which requires additional time for review. This continuance will allow the defendant time to review the discovery and allow the parties time to engage in initial plea negotiations which may negate the need for a trial.

4) The parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because this continuance is necessary for the defendant to fully review discovery and engage in meaningful plea negotiations.

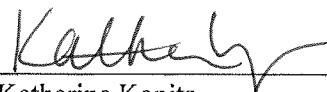
5) The parties stipulate and agree that a period of 60 days beginning on and including the date on which the Court signs the requested order shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv).

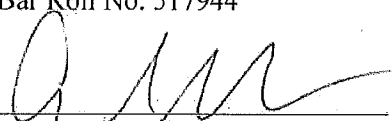
The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: February <sup>19</sup>~~14~~, 2018

GRANT C. JAQUITH  
United States Attorney

By:

  
Katherine Kopita  
Assistant United States Attorney  
Bar Roll No. 517944

  
Craig S. Nolan, Esq.  
Attorney for OLIVER LEPINKSY  
Bar Roll No.

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| <b>OLIVER LEPINSKY,</b>         | ) |                                |
|                                 | ) |                                |
| <b>Defendant.</b>               | ) |                                |

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendants in a speedy trial because this delay is necessary in order to allow the parties the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS  
IT IS HEREBY ORDERED:

A. A period of \_\_\_\_\_ days, beginning on and including the date of this Order shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv) in order to give the parties the reasonable time necessary for effective preparation.

B. The deadline for the completion of discovery by the United States (otherwise due within 14 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by \_\_\_\_\_ days to \_\_\_\_\_. The deadline for the completion of reciprocal discovery by the Defendant (otherwise due within 21 days of arraignment pursuant to the terms of the Local Rules of Criminal Procedure and the Criminal Pretrial Order) will be extended by \_\_\_\_\_ days to \_\_\_\_\_.

C. Any pretrial motions in this case shall be filed on or before \_\_\_\_\_ and shall be made returnable on \_\_\_\_\_.

D. The trial in this matter shall begin on \_\_\_\_\_ before Senior United States District Judge Gary L. Sharpe in Albany, New York or, in the alternative, a change of plea shall be entered on or before \_\_\_\_\_.

IT IS SO ORDERED.

Dated and entered this \_\_\_\_\_ day of February, 2018.

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Hon. Gary L. Sharpe  
Senior United States District Judge